

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2007 / 0865

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Inquest into the Death of: HIEP THI NGUYEN

Delivered On: 20 December 2013

Delivered At: Coroners Court of Victoria
Level 11, 222 Exhibition Street
Melbourne 3000

Hearing Dates: 12 June 2013

Findings of: JOHN OLLE, CORONER

Police Coronial Support Unit Sergeant David Dimsey

I, JOHN OLLE, Coroner having investigated the death of THI HIEP NGUYEN

AND having held an inquest in relation to this death on 12 June 2013

at Melbourne

find that the identity of the deceased was HIEP THI NGUYEN

born on 14 October 1952

and the death occurred on 3 March 2007

at Withers Street Car Park, Sunshine 3011

from:

1 (a) MULTIPLE INJURIES

in the following circumstances:

1. Hiep Thi Nguyen was aged 54 years at the time of her death.
2. The coronial brief is comprehensive and has fully addressed the tragic circumstances of Mrs Nguyen's death.¹

Background

3. Hiep Thi Nguyen, was born on the 14th of October 1952, in the village of Duc Hoa Ha, Duc Hoa District, in the Province of Long An, Vietnam.
4. Approximately 20 years ago, Mrs Nguyen left Vietnam by boat, with her husband and children as refugees. During the voyage, her husband and children drowned. Mrs Nguyen was subsequently sponsored from a Malaysian refugee camp, and arrived in Australia on the 11th of May 1994. On the 1st of May 1997, she became an Australian citizen.

Personal Circumstances

5. Mrs Nguyen was a long term tenant at 3 / 85 Devonshire Road, Sunshine.
6. Mrs Nguyen was in full time employment at Hycap, a clothing factory in Footscray. A highly valued, long term employee, described by her employer as reliable and trustworthy. Her responsibilities included opening and closing the factory each day.

¹ A copy of the coronial brief will remain on the court file

7. Mrs Nguyen was a very private person with few friends and socialised rarely. She lived humbly and had substantial savings. She was devoted to her extended family and regularly sent money to Vietnam, in support her family.²

Events culminating in the death of the deceased

8. On Saturday the 3rd of March 2007, Mrs Nguyen left her residence for work, sometime before 6.00 am. It appears her intention was to catch the train at Sunshine station. She walked west along Devonshire Road towards the Withers Street car park, located between Withers Street and Clarke Street, Sunshine.
9. At about 6:10am, Mrs Nguyen was struck by a motor vehicle as she cut through the northern end of the car park.
10. Witnesses heard a loud thump and observed a dark coloured four wheel drive vehicle, backing into a parking space. Witnesses described a tall dark skinny male drag Mrs Nguyen from underneath the vehicle, pick her up and put her into the vehicle on the passenger's side.
11. The vehicle left the car park turning right, heading south along Withers Street. It appears the vehicle turned left into Dickson Street and right into Whitty Street.
12. The body of Mrs Nguyen was subsequently removed from the vehicle and left face down, on the grass nature strip of 14 Whitty Street, Sunshine.
13. Mrs Nguyen was located by a resident at 7.05 am. She was naked from the waist down with her upper clothing pulled up towards her head.³

At Inquest

14. In evidence, Detective Senior Constable O'Connor, detailed the lengthy and comprehensive nature of the investigation, in particular the numerous lines of inquiry pursued. Regrettably, despite the best endeavours of the investigators, at this time, neither the offending vehicle nor the driver have been identified.
15. Initially the circumstances warranted Homicide investigation. However, upon further investigation, a deliberate or pre-meditated impact was deemed unlikely. Rather, an unintentional hit-run impact, with tragic circumstances. I note the following propositions of my assistant Sergeant Dimsey, accepted by Detective O'Connor:

² Summary coronial brief

³ Summary police evidence

- A lady walking across a car park early in the morning when struck by a vehicle
- There is nothing to indicate other than an accidental strike
- The driver has acted reprehensibly and pulled the body from underneath the car and placed her in his vehicle, driven around the area and dumped the body
- There is nothing that indicates anything different to that, nothing more sinister than it was probably a very unfortunate accident or hit and run.⁴

16. Detective O'Connor explained:

“It was initially reported to the Homicide Squad because it was suspected that it may have been some sort of attempted abduction, maybe sexual, rape type scenario, or a robbery that had gone wrong. But once the investigation got going it was pretty clear that it was a fatal hit run and there was nothing more to it than that.”⁵

17. The impact was heard by witnesses in their homes some distance away on the edge of the car park. They are to be commended for making full statements to the investigators however I accept the following limitations of their accounts:

“The witnesses to the incident at the Withers Street car park had been extremely co-operative with the investigators in this matter. However, despite their best efforts and intentions, their descriptions of the offending driver and vehicle had been vague. Investigators had not been able to identify the offending driver or the vehicle in this matter.”⁶

18. I note the witnesses described the offending vehicle as a dark coloured four-wheel drive being driven by a tall skinny African male. This account led to an extensive, though fruitless enquiry. Further difficulty for the investigators was the initial DNA report which examined samples and potentially identified a suspect or suspects, was resiled from by the analyst.

19. For the purpose of my findings it is unnecessary to detail the full nature and extent of the investigation save to say I am satisfied the investigators have fully pursued all reasonable lines of enquiry:

⁴ Inquest transcript page 30

⁵ Transcript page 30 & 31

⁶ Transcript page 28

“Physical evidence and exhibits have not assisted investigators in identifying the offending driver or vehicle in this matter. Although DNA has identified two possible suspects in ...the likelihood ratio is low. The subsequent interview with one suspect was of No Comment nature on the advice from his solicitor. Any attempts to establish...whereabouts that the time of this incident have proved fruitless, and to date investigators cannot corroborate the DNA findings. Further, the person of interest was unable to be located for a significant period of time and is subsequently deceased. In conclusion, although there are persons of interest there is insufficient evidence currently to link any person in respect to the hit and run.”

Conclusion

20. I am satisfied Mrs Nguyen received fatal injuries, when struck by an unidentified motor vehicle. There were no witnesses to the impact.
21. To date, no one has admitted driving the vehicle, and to date, there is insufficient evidence to identify the driver.
22. In the opinion of Detective O'Connor, Mrs Nguyen was the victim of an unintentional impact. He explained there is no evidence to the contrary. However, in the absence of any account as to the circumstances of impact, or mental state or intention of the driver, I am unable to make any finding as to the circumstances of impact.
23. As a young wife and mother, Mrs Nguyen strove to find a new and better life in Australia. In the process, she lost her husband and children. For the past 20 years, Mrs Nguyen has lived a humble yet productive life. She accepted Australian citizenship, was a long term respected employee and continued to offer financial support to her extended family in Vietnam.
24. As a refugee, Mrs Nguyen endured indescribable hardship, yet displayed extraordinary courage and resilience. On any view, irrespective of the circumstances of the impact, the post impact conduct of the driver is callous and reprehensible.
25. I offer the family of Mrs Nguyen my sincere condolences.

Post Mortem Medical Examination

26. On the 3rd March 2007, Dr Michael Burke, Senior Forensic Pathologist at the Victorian Institute of Forensic Medicine performed an autopsy on the body of Hiep Thi Nguyen.
27. Dr Burke found the cause of death to be multiple injuries.

28. Dr Burke commented:

“Thi Hief Nguyen was a fifty four year old woman who, according to the circumstances as detailed in the Victoria Police Report of Death Form No. 83, was said to have been struck by a motor vehicle, identified as a four wheel drive/all wheel drive vehicle in the car park located in Withers Street Sunshine. Witnesses have indicated that Thi Nguyen was under the four wheel drive and was dragged out by her ankles by a male and placed in the vehicle. The male has driven out of the car park travelling south along Withers Street. The deceased’s body was later located on the nature strip outside No. 14 Whitty Street Sunshine. She was lying face down on the grass nature strip and was naked from the waist down. The upper clothing appeared to have been pulled up towards her head.

It was indicated to me at the time of the post mortem examination that witnesses have stated that Thi Nguyen was grasped by the ankles and her head was banged into the ground in the car park. At the time of the examination finger print examiners attempted to lift latent finger prints from the deceased’s lower limbs.

An examination of the genitalia was performed by myself and a forensic physician. No injuries were evident to the genitalia. This does not exclude sexual assault. Multiple swabs were taken.

The cause of death is multiple injuries. The injuries comprised a head injury (scalp bruises with subarachnoid haemorrhage over the brain), fractured pelvis and multiple fractured ribs. There was no evidence of neck compression.

The post mortem examination showed no blood within the chest in association with the fractured ribs and pulmonary lacerations. This would suggest to me that Thi Nguyen died relatively early in this incident.

The post mortem examination showed patterned bruises over the deceased’s back with a large bruise seen to the lumbar region on subcutaneous dissection. Whilst one cannot be dogmatic, these findings would suggest to me she was struck from behind by the motor vehicle and suffered secondary abraded injuries over her abdomen and face after coming into contact with the ground.

Toxicological examination showed the presence of Piroxicam, an anti-inflammatory drug.”⁷

Finding

I find the cause of death Hiep Thi Nguyen to be multiple injuries.

I direct that a copy of this finding be provided to the following:

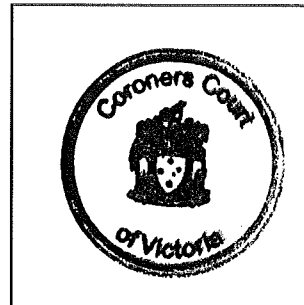
The Family of Hiep Thi Nguyen in Vietnam

Senior Constable Joseph O’Connor, Investigating Member of Victoria Police

Signature:



JOHN OLLE
CORONER
Date: 20 December 2013



⁷ Dr Burkes post mortem report